

Planning Commission Communication

CASE #SUB-15-008

Applicant/Developer:
Council Bluffs Industrial Foundation
149 West Broadway
Council Bluffs, IA 51503

Planning Commission: 9/12/17

Representative:
A.W. Tauke
Stuart Tinley Law Firm, LLP
310 Kanesville Blvd.
P.O. Box 398
Council Bluffs, IA 51502

Subject/Title

Request: Extension of time – Preliminary Subdivision Plan – South Point Subdivision, Phase 2

Background/Discussion

The Community Development Department has received a request from A.W. Tauke, on behalf of the Council Bluffs Industrial Foundation, for a one-year extension of time relative to the preliminary plan approval for South Point Subdivision, Phase 2. Section 14.11.060(05) of the Council Bluffs Subdivision Ordinance states:

Within one year from the day the council approves a preliminary plan, the subdivider shall apply for final plat approval, or the first part thereof if phased. If the subdivision is phased, the subdivider shall apply for final plat approval of the second phase within two years, the third phase within three years, the fourth phase and the balance thereof within five years from the date the preliminary plan was approved by the city council. If the subdivider fails to apply for final plat approval within the appropriate time period, the preliminary plan, or remaining phase thereof, shall be void unless the subdivider requests an extension of time prior to the date originally required for submission of the final plat, or any part thereof if phased.

The City Council approved the preliminary subdivision plan by Resolution No. 15-262 on September 28, 2015. The preliminary subdivision plan would have expired on September 28, 2016. A one-year extension was granted by the Planning Commission extending the filing deadline to September 28, 2017 and the applicant/developer does not anticipate filing a final plat prior to this expiration date. Section 14.11.060(06) of the Council Bluffs Subdivision Ordinance provides a mechanism to grant an extension of time as follows:

The commission may grant one year extensions from the date required for submission of a final plat or any part thereof if phased. If a subdivider applies for an extension of time for submission of any part of a phased subdivision, which is subsequently granted by the commission, equal extensions are automatically granted for each of the remaining phases. If the commission refused to grant an extension of time, the developer shall apply for approval of the final plat, or the appropriate phase thereof, if phased, to the commission within the appropriate time originally required or sixty days from the day the extension is denied by the commission. In reviewing a request for extension of time, the commission shall consider whether the subdivision is in compliance with the subdivision ordinance, standards for public

improvements, comprehensive plan, and all applicable ordinances and resolutions of the city of Council Bluffs."

The roadway and utility improvements are under construction at this time, including those in partnership with the City of Council Bluffs. The completion date for the Gifford Road and South 19th Street project is November 20, 2017.

A letter from the applicant/developer explaining the current status of the subdivision is included with this report as Attachment 'A'.

Recommendation

The Community Development Department recommends approval of a one year extension of time to file the final plat of South Point Subdivision, Phase 2, as approved by Resolution No. 15-262. The expiration date of the preliminary plan will be September 28, 2018.

Prepared by: Rose E. Brown, AICP, Planning Coordinator



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August 25, 2017

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1916-2002

James E. Thorn
1935-2009

Gary R. Faust
1944-2014

City of Council Bluffs
Community Development and Planning Department
Attn: Rose Brown
209 Pearl Street
Council Bluffs, IA 51503

Re: Extension of South 19th Street and Preliminary Plat of South Point II

Dear Rose:

As a follow up of our previous discussions, the Council Bluffs Board of Directors has not been able to timely complete and file the final Plat of South Point II. The Board is still considering the size and location of lots with potential buyers and with marketers. The Board would like to avoid any re-platting of the final Plat or lot line adjustments and would like to delay filing the final Plat at this time.

On their behalf I am requesting approval from the Planning Department for a one year extension to file the final plat.

On behalf of the Council Bluffs Industrial Foundation, we appreciate your assistance and working with us on this matter. If you require any additional information or if you have any questions, please give me a call.

Yours very truly,

STUART TINLEY LAW FIRM LLP

By

A handwritten signature in dark ink, appearing to read 'A. W. Tauke', written over a horizontal line.

A. W. Tauke

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ATTACHMENT A